

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE : CHAPTER 11
DELPHI CORPORATION et al., : CASE NO. 05-44481 (RDD)
Debtors. : (JOINTLY ADMINISTERED)
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BRIEF IN SUPPORT OF THE NOTICE OF EX PARTE APPLICATION
TO "SET ASIDE", "VACATE" AND "CANCEL" FRAUDULENTLY
FRAUDULENTLY CAUSED TO BE SET NOTICE OF HEARING DATED
FOR JULY 19, 2006, AT 10:00AM...ETC. FILED HEREIN
BY JUDGMENT/ORDER CREDITOR LAFONZA EARL WASHINGTON

This creditor agrees with the 10th Amendment of the Bill of Rights to the United States Constitution that "BINDS" on the State of Michigan and the State of New York the duty that "EVERY" state has 'power' to enact laws for the protection of its citizens' health, welfare, morals and safety and such power is derived from the 10th Amendment. This 'POWER' is upheld if exercised in a manner consistent with its "ends" and if the "means" used are reasonably calculated to protect one of these legitimate "ends", clearly showing that:

1. The means or the bankruptcy, banking, etc., fraudings instruments and prohibited methods used by the contemnors, the debtors, the debtors-in-possession is 100% deprivations and violations of the limits or bounds of the required "ends" and cannot be defended nor supported by law, under the 10th Amendment nor Article 4 of the United States Constitution of the Full Faith and Credit guarantees.

2. The non-protections of Claimant and family's health, welfare, morals, and safety is 100% inconsistent with the bankruptcy and bank fraudings means directly causing, then compounding the continued

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deprivations of Claimant's possessing the legally owned monetary property herein that is 100% violative of the "ENDS" guaranteed by the 10th Amendment etc.!

3. The State of New York has a legal duty to protect this citizen of the State of Michigan under Article 4 of the U.S. Constitution from the prohibited bankruptcy court contemnor's means causing 100% violations of the "ENDS" to possess the monetary property owned herein, that if disbursed can protect Claimant's and family's health, welfare, safety and morals guarantees.

4. The State of Michigan has a legal duty to exercise the "POLICE POWERS" of this State concurrent with the State of New York's duties to enforce "PUBLIC POLICY" and the "POLICE POWERS" under Article 4 of the U.S. Constitution and Article 4 §§ 1 et seq. of Michigan's 1963 Constitution that "BINDS" on both the states of Michigan and New York nondiscretionary powers to enforce, "man's plain, palpable duty to his fellow men, having due regard to all circumstances of each particular relation and situation", in which the United States Supreme Court agreed with. See SIPES -V- McGHEE (1947) 25 N.W. 2d 638, 316 Mich. 614, reversed on other grounds 68 S.Ct. 836, 334 U.S. 1, 92 L.Ed. 1161, 3 A.L.R. 2d 441.

5. The United States - itself - can be sued the same as private persons, as well as corporate entities just as a "NATURAL PERSON" confirming that Delphi, General Motors, the International UAW corporations are also "BOUND" by "...that general and well-settled public opinion relating to man's plain, palpable duty to his fellow men, having due regard to all circumstances of each particular relation and situation", under "PUBLIC POLICY" duties which, "...is the commu-

nity common sense and common conscience, extended and applied throughout the state to matters of public morals, public health, public safety, public welfare and the like", but is repeatedly being violated by these named corporations causing this Claimant and family prohibited financial and economic hardships, slavery conditions, involuntary servitude, 100% real, personal, and monetary property losses, including personal, social and public sufferings by deliberately being caused to have "ZERO" monies to survive on for "7" years and continuing. See Article 4 § 1 of Michigan's 1963 Constitution; SIPES -v- McGHEE supra.

6. According to the "POLICE POWER" under Article 4 § 1 of Michigan's 1963 Constitution, "Possession and enjoyment of 'ALL' rights are subject to such reasonable conditions as may be deemed by governing authority of country essential to safety, health, peace, good order, and morals of the community", that is being repeatedly and continuously violated which both states of Michigan and New York including the Federal rights guaranteed to be protected is required by law to remedy without further delay of dispossessing Claimant and family of the monetary property claimed, legally owed herein. See Article 4 § 1 of Michigan's 1963 Constitution; PEOPLE'S APPLIANCE & FURNITURE, INC. -v- CITY OF FLINT (1959) 99 NW2d 522, 358 Mich. 34.

7. This Claimant asserts that the "STOCKHOLDERS" of the Delphi, GM, and International UAW corporations does "NOT" have clean hands 100% and is behind the holocaustic human rights violations being compounded against this Claimant and family's concentration camp subsistence for "7" plus years that is continuing; pursuant to both contempt of court remedies, obstructions of justice remedies, deprivations of rights under color of law etc., the enforcers of the laws are

"BOUND" to protect the citizenship rights being violated, have the duty to "PIERCE THE VEIL" together with the corporation's liability to impose the continued liability for bankruptcy frauds, bank frauds, monopoly and combination of monopoly prohibited property injuries authorizing "THREEFOLD" recovery on persons and entities other than the offending corporations themselves such as stockholders, individual officers, salary employees etc., severally and separately in which \$5,000,000.00 actual recovery is demanded from each contemnor that the antitrust laws authorizes "THREEFOLD" recovery for in the sum certain of \$15,000,000.00 from each.

8. According to Michigan Compiled Laws (MCL) 14.101 and the United States District Court's ruling/orders in KELLEY -V- CARR (D.C. 1977) 442 F.Supp. 346, it was ordered that, "Some of most basic of 'state's' quasi-sovereign interests include maintenance of integrity of market and exchanges operating within its boundaries, protection of its citizens from 'FRAUDULENT' and 'DECEPTIVE' practices, support for general welfare of its residents and its economy, and prevention of its 'CITIZENS' revenues from being wrongfully 'EXTRACTED' from state", and for "10" months the State of Michigan is in 100% violations of this duty and interest of the State by doing nothing while bankruptcy frauders, bank frauders, RICO operators etc., 'EXTRACT' this Claimants very living subsistence, as well as that of hundreds of thousands of other Michigan citizens and with specificity-being it clear that the Michigan headquartered Delphi Corp., is "NOT" under New York's jurisdiction.

9. In KELLEY -V- CARR supra, Frank J. Kelly was the Michigan Attorney General who brought the action to stop Carr from extracting Michigan's citizens revenues! However, it was made evidently clear

in LUCAS -v- BOARD OF COUNTY ROAD COM'RS OF WAYNE COUNTY (1984) 348

NW2d 660, 131 Mich App 342 that, "The Attorney General, albeit a constitutional officer, is a member of the executive branch and thereby constitutionally subservient to the Governor as 'REPOSITORY' of the executive power of the state", showing that the Governor's office is entrusted FIRST with the duty to protect these bankruptcy frauds, banking frauds, RICO operators from any further 'DELAY' of extracting this Michigan citizen's monetary property from being possessed inside this state's boundaries as this legally owned monetary property has been and is continuing to be extracted for "10" plus months.

10. This is election year for the Michigan Governor's office and by the GRACE OF ALMIGHTY GOD may the candidate who stop this Claimant's monetary property from continuing to be extracted, racketeered, extorted, frauded etc., into New York be ordained to sit next term and truthfully, prophetically let it so be!

11. Article 10 of the United States Constitution clearly authorizes that, "The powers 'NOT' delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the 'PEOPLE'!"

WHEREFORE, as one of the 'PEOPLE' the powers of the United States has vested in me the authority to demand the immediate payment of this claimed monetary property as demanded herein. In the ALMIGHTY NAME OF GOD let it be paid immediately or those responsible for further delay may the wrath of ALMIGHTY GOD immediately come upon you! Repent and do the righteous will of ALMIGHTY GOD herein! Thank you.

In Truth, Righteousness & Peace,

Earl Washington

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